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Counsel for Plaintiff Denali Nicole Smith

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

DENALI NICOLE SMITH,

Plaintiff,

vs.

MICHAEL DUNLEAVY, in his official capacity of Governor of the State of Alaska,  
KEVIN CLARKSON, in his official capacity as Attorney General of the State of Alaska,  
BRUCE TANGEMAN, in his official capacity as Commissioner of the State of Alaska,  
Department of Revenue, ANNE WESKE, in her official capacity as Director of the Permanent Fund Division, State of Alaska, Department of Revenue,

Defendants.

Case No. 3:19-cv-00298-HRH

DECLARATION OF COUNSEL HEATHER GARDNER IN SUPPORT OF COMPLAINT

I, Heather Gardner, declare and affirm as follows:

1. I am counsel of record for Plaintiff, Denali Nicole Smith, in this action brought under 42 U.S.C. § 1983 and 28 U.S.C. §§ 2201-02 for damages, declaratory, and injunctive relief against the above listed Defendants.

2. The following Declaration is filed in support of the Complaint in this action and in support of Plaintiff's and co-counsel's contemporaneously filed Declarations.

3. Upon diligent review of the facts that form the basis for the Complaint prior to its filing, including (but not limited to) review of the documents and communications Plaintiff received from the State of Alaska, I determined that there is a factual basis for the allegations set forth in the Complaint. The Complaint was filed in good faith and there appears to be a sound factual basis for the claims contained therein.

4. As to the against co-counsel and the Plaintiff that this is a "false lawsuit" and other similar comments made by Defendant Clarkson to the news media and public, I can state with reasonable certainty that when the Defendant made the comments on Friday, November 22, 2019, no Defendant had been formally served with the Complaint or Summons in this matter. The court mailed the original issued Summons for each Defendant to my office; they arrived in the mail from the court on November 22, 2019, and were still in my possession when Defendant Clarkson issued his Friday afternoon press release a couple of hours later.

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**FURTHER DECLARANT SAYETH NAUGHT.**

Declared and affirmed this 25<sup>th</sup> day of November, 2019.

/s/ Heather Gardner

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Heather Gardner ABA #011079  
Counsel for Plaintiff